



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20001 of 2021

GOWTHAM @ GOWTHAMAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPUR DISTRICT.
(CR.NO. 627/2021)

[RESPONDENT]

For Petitioner : M/S. P.KALIMUTHU Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 294B, 323, 506(ii) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act 2002 in Cr.No.627 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute regarding the construction of compound wall, there arose a wordy quarrel between the de-facto complainant and the petitioner. The petitioner along with other accused persons abused the de-facto complainant and his mother in filthy language and attacked them and also threatened the de-facto complainant with dire consequences. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the counter case has been registered against the de-facto complainant and the de-facto complainant had sustained only simple injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that there was a simple scuffle between the parties and in the said scuffle, the



de-facto complainant had sustained only simple injuries. However, he opposed to grant anticipatory bail to the petitioner

5. Considering the fact that it appears to be a civil dispute between the parties and the de-facto complainant had sustained only simple injuries, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.20001/2021

Date :26/10/2021

CSK 01/11/2021